



FILED

07-18-06
08:56 AM

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company
for Approval of Long-term Request for Offer
Results and for Adoption of Cost Recovery and
Ratemaking Mechanisms.

Application 06-04-012
(Filed April 11, 2006)

(U 39 E)

**ADMINISTRATIVE LAW JUDGE'S RULING FINDING AGLET CONSUMER
ALLIANCE AND THE UTILITY REFORM NETWORK ELIGIBLE TO CLAIM
INTERVENOR COMPENSATION**

I. Summary

Aglet Consumer Alliance (Aglet) and The Utility Reform Network (TURN) are eligible to claim compensation in this proceeding. A finding of eligibility, however, does not necessarily guarantee an award of compensation. Aglet and TURN should not duplicate the efforts of other parties by taking the same approach to the same issues as it could result in a reduction in the amount of compensation ultimately awarded. The requirements of Pub. Util. Code §§ 1801-1804¹ are addressed below.

¹ All statutory references are to the Pub. Util. Code.

II. NOI Requirements

A. Timely Filing

Pursuant to § 1804(a)(1), a customer who intends to seek a compensation award shall, within 30 days after the Prehearing Conference (PHC), file and serve a Notice of Intent (NOI) to claim compensation on all parties to the proceeding. The first PHC in this proceeding was held on May 25, 2006, and Aglet and TURN timely filed their NOIs on June 26, 2006.

B. Customer Status

Pursuant to Decision (D.) 98-04-059, this ruling must determine whether the intervenor is a customer, as defined in § 1802(b), and whether the intervenor is a participant representing consumers, a representative authorized by a customer, or a representative of a group or organization that is authorized by its bylaws or articles of incorporation to represent the interests of residential ratepayers.

Aglet and TURN meet this requirement as they are organizations, as described in § 1802(b)(1)(C), authorized pursuant to their articles of incorporation to represent the interests of their members, many of whom are residential ratepayers.

C. Significant Financial Hardship

Only those customers for whom participation or intervention would impose a significant financial hardship may receive intervenor compensation. Section 1804(a)(2)(B) allows the customer to include a showing of significant financial hardship in the NOI. Section 1802(g) defines “significant financial hardship”:

“Significant financial hardship” means either that the customer cannot without undue hardship afford to pay

the costs of effective participation, including advocate's fees, expert witness fees, and other reasonable costs of participation, or that, in the case of a group or organization, the economic interest of the individual members of the group or organization is small in comparison to the costs of effective participation in the proceeding. Alternatively, the customer may make the required showing in the request for an award of compensation.

Aglet and TURN meet this requirement through a rebuttable presumption of eligibility, pursuant to § 1804(b)(1), as they were found eligible for compensation in other proceedings that commenced within one year of this proceeding. Aglet obtained a finding of significant hardship on November 15, 2005, by ruling on that date in Application (A.) 05-06-006 *et al.* TURN obtained a finding of significant hardship on November 4, 2005, in A.05-02-027. Should any party rebut this presumption, Aglet and TURN are granted leave to furnish evidence of their significant financial hardship within 10 days of the rebuttal filing.

D. Nature and Extent of Planned Participation

Section 1804(a)(2)(A)(i) requires an NOI to include a statement of the nature and extent of the customer's planned participation in the proceeding to the extent this can be predicted.

Aglet intends to participate by serving written testimony, participating in evidentiary hearings, preparing post-hearing briefs, and filing other necessary pleadings. Aglet intends to focus on contract evaluation, reasonableness of the amount of power procured, modeling and selection criteria, the reliability of the proposed purchase power agreement with Calpine Russell City, ratemaking issues, and cost allocation.

TURN intends to participate by providing expert testimony, cross-examining witnesses, and submitting briefs and comments as required. TURN intends to focus on the reasonableness and cost-effectiveness of certain of the proposed contracts, the amount of power procured, and the ratemaking treatment for projects that will be utility-owned.

Aglet and TURN both state their intention to coordinate, as much as possible, with each other and with other parties in order to avoid unnecessary duplication of effort.

E. Itemized Estimate of Compensation

Section 1804(a)(2)(A)(ii) requires that NOIs include an itemized estimate of the compensation the customer expects to receive.

Aglet estimates a total projected budget of \$57,760 for this case, as outlined below, based on proposed hourly rates that it will address in its request for compensation, if it files one. The estimate breaks down as follows:

Amount	Description
Fees	
\$5,200	20 hours of professional time by James Weil at \$260/hour
\$1,820	14 hours of compensation time by James Weil at \$130/hour
\$48,000	240 hours of professional time by Jan Reid at \$200/hour
\$1,600	16 hours of travel time by Jan Reid at \$100/hour
\$400	4 hours of compensation time by Jan Reid at \$100/hour
Costs	
\$740	Miscellaneous expenses
\$57,760	Total

TURN estimates a total projected budget of \$115,000 for this case, as outlined below, based on proposed hourly rates for 2006 that TURN will address in its hourly rate filing in Rulemaking 04-10-010. The estimate breaks down as follows:

Amount	Description
Fees	
\$61,250	125 hours of attorney time by Michel P. Florio at \$490/hour
\$33,750	150 hours of expert witness time by Kevin Woodruff at \$225/hour
\$16,500	75 hours of expert witness time by William Marcus at \$220/hour
Costs	
\$3,500	Miscellaneous direct expenses
\$115,000	Total

Aglet and TURN satisfactorily present an itemized estimate of the compensation they expect to request, although we will require far more specificity in their consultant costs when they ultimately seek compensation. Moreover, the number of hours and the hourly rates may be excessive and, as must any intervenor, Aglet and TURN must fully support its request for compensation, including the reasonableness of the hours spent and hourly rates.

IT IS RULED that:

1. Aglet Consumer Alliance (Aglet) has met the eligibility requirements of Pub. Util. Code § 1804(a), including the requirement that it establish significant financial hardship, and Aglet is found eligible for compensation in this proceeding.
2. The Utility Reform Network (TURN) has met the eligibility requirements of Pub. Util. Code § 1804(a), including the requirement that it establish

significant financial hardship, and TURN is found eligible for compensation in this proceeding.

3. Aglet is a customer as that term is defined in § 1802(b)(1)(C), as it is a group or organization authorized to represent the interests of residential ratepayers.

4. TURN is a customer as that term is defined in § 1802(b)(1)(C), as it is a group or organization authorized to represent the interests of residential ratepayers.

5. A finding of eligibility in no way assures compensation.

6. Aglet and TURN shall make every effort to reduce duplication of contribution.

Dated July 17, 2006, at San Francisco, California.

/s/ HALLIE YACKNIN
Hallie Yacknin
Administrative Law Judge

INFORMATION REGARDING SERVICE

I have provided notification of filing to the electronic mail addresses on the attached service list.

Upon confirmation of this document's acceptance for filing, I will cause a copy of the filed document to be served upon the service list to this proceeding by U.S. mail. The service list I will use to serve the copy of the filed document is current as of today's date.

Dated July 18, 2006, at San Francisco, California.

/s JOYCE TOM

Joyce Tom

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

***** SERVICE LIST *****

Last Update on 11-JUL-2006 by: SMJ

A0604012 LIST

***** APPEARANCES *****

Marc D. Joseph
Attorney At Law
ADAMS, BROADWELL, JOSEPH & CARDOZO
601 GATEWAY BLVD., STE. 1000
SOUTH SAN FRANCISCO CA 94080
(650) 589-1660
mdjoseph@adamsbroadwell.com
For: Coalition of California Utility Employee & California
Unions for Reliable Energy

James Weil
Director
AGLET CONSUMER ALLIANCE
PO BOX 37
COOL CA 95614
(530) 885-5252
jweil@aglet.org
For: Aglet Consumer Alliance

James Weil
AGLET CONSUMER ALLIANCE
PO BOX 37
COOL CA 95614
(530) 885-5252
jweil@aglet.org
For: Aglet Consumer Alliance

Rod Aoki
Attorney At Law
ALCANTAR & KAHL, LLP
120 MONTGOMERY STREET, SUITE 2200
SAN FRANCISCO CA 94104
(415) 421-4143
rsa@a-klaw.com
For: Cogeneration Association of California

Seema Srinivasan
Attorney At Law
ALCANTAR & KAHL, LLP
120 MONTGOMERY STREET, SUITE 2200
SAN FRANCISCO CA 94104
(415) 421-4143
sls@a-klaw.com
For: Energy Producers & Users Coalition

Bruce McLaughlin
BRAUN & BLAISING P.C.
915 L STREET, SUITE 1420
SACRAMENTO CA 95814
(916) 682-9702

Scott Blaising
Attorney At Law
BRAUN & BLAISING, P.C.
915 L STREET, STE. 1420
SACRAMENTO CA 95814
(916) 682-9702
blaising@braunlegal.com
For: California Municipal Utilities Association

Andrew Ulmer
CALIFORNIA DEPARTMENT OF WATER RESOURCE
1416 NINTH STREET, SUITE 1118
SACRAMENTO CA 95814
(916) 653-8826
aulmer@water.ca.gov
For: California Department of Water Resources - State Water
Project

Jan Reid
COAST ECONOMIC CONSULTING
3185 GROSS ROAD
SANTA CRUZ CA 95062
(831) 476-5700
janreid@coastecon.com
For: Aglet Consumer Alliance

Lisa Decker
Counsel
CONSTELLATION ENERGY GROUP, INC.
111 MARKET PLACE, SUITE 500
BALTIMORE MD 21202
(410) 468-3792
lisa.decker@constellation.com
For: Constellation Energy Commodities Group, Inc.

Jeffrey P. Gray
Attorney At Law
DAVIS WRIGHT TREMAINE, LLP
ONE EMBARCADERO CENTER, SUITE 600
SAN FRANCISCO CA 94111
(415) 276-6581
jeffgray@dwmt.com
For: Calpine Corporation

Daniel W. Douglass
Attorney At Law
DOUGLASS & LIDDELL
21700 OXNARD STREET, SUITE 1030
WOODLAND HILLS CA 91367
(818) 961-3001
douglass@energyattorney.com
For: Direct Access Customer Coalition

blaising@braunlegal.com
For: Municipal Utilities Association

Daniel W. Douglass
Attorney At Law
DOUGLASS & LIDDELL
21700 OXNARD STREET, SUITE 1030
WOODLAND HILLS CA 91367
(818) 961-3001
douglass@energyattorney.com
For: Western Power Trading Forum

Gregory Klatt
Attorney At Law
DOUGLASS & LIDDELL
21700 OXNARD STREET, NO.1030
WOODLAND HILLS CA 91367
(818) 961-3002
klatt@energyattorney.com
For: Alliance for Retail Energy Markets

Ann L. Trowbridge
Attorney At Law
DOWNEY BRAND, LLP
555 CAPITOL MALL, 10TH FLOOR
SACRAMENTO CA 95814
(916) 444-1000
atrowbridge@downeybrand.com
For: Merced Irrigation District and Modesto Irrigation District

Andrew B. Brown
Attorney At Law
ELLISON, SCHNEIDER & HARRIS, LLP
2015 H STREET
SACRAMENTO CA 95814
(916) 447-2166
abb@eslawfirm.com
For: Constellation Generation Group

Carolyn Kehrein
ENERGY MANAGEMENT SERVICES
1505 DUNLAP COURT
DIXON CA 95620
(707) 678-9506
cmkehrein@ems-ca.com
For: Energy Users Forum

William H. Booth
Attorney At Law
LAW OFFICES OF WILLIAM H. BOOTH
1500 NEWELL AVENUE, 5TH FLOOR
WALNUT CREEK CA 94596
(925) 296-2460
wbooth@booth-law.com
For: CA Large Energy Consumers Assoc.

Joy Warren
Attorney At Law
MODESTO IRRIGATION DISTRICT
1231 11TH STREET
MODESTO CA 95354
(209) 526-7388
joyw@mid.org
For: Modesto Irrigation District

Noel Obiora
Legal Division
RM. 4107
505 VAN NESS AVE
San Francisco CA 94102
(415) 703-5987
nao@cpuc.ca.gov

Jennifer K. Post
Attorney At Law
PACIFIC GAS AND ELECTRIC COMPANY
PO BOX 7442
SAN FRANCISCO CA 94105
(415) 973-9809
jlkem@pge.com
For: Pacific Gas and Electric Company

John W. Bogy
Attorney At Law
PACIFIC GAS AND ELECTRIC COMPANY
PO BOX 7442
SAN FRANCISCO CA 94120
(415) 973-8302
j0b5@pge.com
For: Pacific Gas and Electric Company

Laura Genao
COLIN CUSHNIE
Attorney At Law
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVENUE
ROSEMEAD CA 91770
(415) 929-5530
laura.genao@sce.com
For: Southern California Edison

Keith Mccrea
Attorney At Law
SUTHERLAND, ASBILL & BRENNAN
1275 PENNSYLVANIA AVENUE, NW
WASHINGTON DC 20004-2415
(202) 383-0705
keith.mccrea@sablaw.com
For: CA Manufacturers & Technology Assn.

Michel Peter Florio
Attorney At Law
THE UTILITY REFORM NETWORK
711 VAN NESS AVENUE, SUITE 350
SAN FRANCISCO CA 94102
(415) 929-8876 302
mflorio@turn.org

Michel Peter Florio
MATTHEW FREEDMAN
Attorney At Law
THE UTILITY REFORM NETWORK (TURN)
711 VAN NESS AVENUE, SUITE 350
SAN FRANCISCO CA 94102
(415) 929-8876
mflorio@turn.org
For: TURN

***** STATE EMPLOYEE *****

Truman L. Burns
Division of Ratepayer Advocates
RM. 4102
505 VAN NESS AVE
San Francisco CA 94102
(415) 703-2932
txb@cpuc.ca.gov

Matthew Deal
Energy Division
AREA 4-A
505 VAN NESS AVE
San Francisco CA 94102
(415) 703-5649
mjd@cpuc.ca.gov

Farzad Ghazzagh
Division of Ratepayer Advocates
RM. 4209
505 VAN NESS AVE
San Francisco CA 94102
(415) 703-1694
fxg@cpuc.ca.gov

Merideth Sterkel
Energy Division
AREA 4-A
505 VAN NESS AVE
San Francisco CA 94102
(415) 703-1873
mts@cpuc.ca.gov

Hallie Yacknin
Administrative Law Judge Division
RM. 5003
505 VAN NESS AVE
San Francisco CA 94102
(415) 703-1675
hsy@cpuc.ca.gov

***** INFORMATION ONLY *****

Gloria D. Smith
ADAMS, BROADWELL, JOSEPH & CARDOZO
601 GATEWAY BLVD., SUITE 1000
SOUTH SAN FRANCISCO CA 94080
(650) 589-1660
gsmith@adamsbroadwell.com

Karen Terranova
ALCANTAR & KAHL, LLP
120 MONTGOMERY STREET, STE 2200
SAN FRANCISCO CA 94104
(415) 421-4143
filings@a-klaw.com

Evelyn Kahl
Attorney At Law
ALCANTAR & KAHL, LLP
120 MONTGOMERY STREET, SUITE 2200
SAN FRANCISCO CA 94104
(415) 421-4143
ek@a-klaw.com

Barbara R. Barkovich
BARKOVICH & YAP, INC.
44810 ROSEWOOD TERRACE
MENDOCINO CA 95460
(707) 937-6203
brbarkovich@earthlink.net

CALIFORNIA ISO
LEGAL AND REGULATORY DEPARTMENT
151 BLUE RAVINE ROAD
FOLSOM CA 95630
e-recipient@caiso.com

Grant A. Rosenblum
Staff Counsel
CALIFORNIA ISO
151 BLUE RAVINE ROAD
FOLSOM CA 95630
(916) 608-7138

grosenblum@caiso.com

Avis Kowalewski
CALPINE CORPORATION
3875 HOPYARD ROAD, SUITE 345
PLEASANTON CA 94588
(925) 479-6640
kowalewskia@calpine.com

Steven S. Schleimer
CALPINE CORPORATION
3875 HOPYARD ROAD, SUITE 345
PLEASANTON CA 94588
(925) 479-6808
sschleimer@calpine.com

Robert B. Gex
Attorney At Law, Bart
DAVIS WRIGHT TREMAINE LLP
ONE EMBARCADERO CENTER, SUITE 600
SAN FRANCISCO CA 94111-3611
(415) 276-6500
bobgex@dwt.com

Dale E. Fredericks
DG POWER LLC
PO BOX 4400
WALNUT CREEK CA 94596-0400
(925) 938-9098
dale@dgpower.com

Donald C. Liddell P. C.
DOUGLASS & LIDDELL
2928 2ND AVENUE
SAN DIEGO CA 92103
(619) 993-9096
liddell@energyattorney.com

Perry Cole
ENERGY CAPITAL PARTNERS
11943 EL CAMINO REAL, SUITE 220
SAN DIEGO CA 92130
(858) 703-4445
pcole@ecpartners.com

Kevin J. Simonsen
ENERGY MANAGEMENT SERVICES
646 EAST THIRD AVENUE
DURANGO CO 81301
(970) 259-1748

Eric Yussman
Regulatory Analyst
FELLON-MCCORD & ASSOCIATES
9960 CORPORATE CAMPUS DRIVE
LOUISVILLE KY 40223
(502) 214-6331
eyussman@knowledgeinenergy.com

Ralph E. Dennis
Director, Regulatory Affairs
FELLON-MCCORD & ASSOCIATES
9960 CORPORATE CAMPUS DRIVE, STE 2000
LOUISVILLE KY 40223
(502) 214-6378
ralph.dennis@constellation.com

Mark J. Smith
FPL ENERGY
383 DIABLO RD, SUITE 100
WALNUT CREEK CA 94526
(925) 831-0545
mark_j_smith@fpl.com

Brian T. Cragg
Attorney At Law
GOODIN, MACBRIDE, SQUERI, RITCHIE & DAY
505 SANSOME STREET, SUITE 900
SAN FRANCISCO CA 94111
(415) 392-7900
bcragg@gmsr.com

William B. Marcus
JBS ENERGY, INC.
311 D STREET, SUITE A
WEST SACRAMENTO CA 95605
(916) 372-0534
bill@jbsenergy.com.

Michael J. Gergen
LATHAM & WATKINS LLP
SUITE 1000
555 ELEVENTH STREET, NW
WASHINGTON DC 20004-1304
(202) 637-2200
michael.gergen@lw.com

Karen Lindh
LINDH & ASSOCIATES

kjsimonsen@ems-ca.com

7909 WALERGA ROAD, NO. 112, PMB119
ANTELOPE CA 95843
(916) 729-1562
karen@klindh.com

John W. Leslie
Attorney At Law
LUCE, FORWARD, HAMILTON & SCRIPPS, LLP
11988 EL CAMINO REAL, SUITE 200
SAN DIEGO CA 92130-2592
(858) 720-6300
jleslie@luce.com

Mark W. Zimmermann
PACIFIC GAS AND ELECTRIC COMPANY
PO BOX 770000, MAIL CODE B8R
SAN FRANCISCO CA 94177-0001
(415) 973-6515
MWZ1@pge.com

David Marcus
PO BOX 1287
BERKELEY CA 94701
(510) 528-0728
dmarcus2@sbcglobal.net

Stephanie La Shawn
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE STREET, B8R
SAN FRANCISCO CA 94105
(415) 973-8063
S1L7@pge.com

C. Susie Berlin
Attorney At Law
MC CARTHY & BERLIN, LLP
100 PARK CENTER PLAZA, SUITE 501
SAN JOSE CA 95113
(408) 288-2080
sberlin@mccarthylaw.com

James Ross
RCS, INC.
500 CHESTERFIELD CENTER, SUITE 320
CHESTERFIELD MO 63017
(636) 530-9544
jimross@r-c-s-inc.com

Barry F. Mccarthy
Attorney At Law
MCCARTHY & BERLIN, LLP
100 PARK CENTER PLAZA, SUITE 501
SAN JOSE CA 95113
(408) 288-2080
bmcc@mccarthylaw.com

Case Administration
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVE., RM. 370
ROSEMEAD CA 91770
(626) 302-4875
case.admin@sce.com

Christopher J. Mayer
MODESTO IRRIGATION DISTRICT
PO BOX 4060
MODESTO CA 95352-4060
(209) 526-7430
chrism@mid.org

Allan Thompson
21 C ORINDA WAY, NO. 314
ORINDA CA 94563
(925) 258-9962
allanori@comcast.net

MRW & ASSOCIATES, INC.
1999 HARRISON STREET, SUITE 1440
OAKLAND CA 94612
(510) 834-1999
mrw@mrwassoc.com

Kevin Woodruff
WOODRUFF EXPERT SERVICES, INC.
1100 K STREET, SUITE 204
SACRAMENTO CA 95814
(916) 442-4877
kdw@woodruff-expert-services.com

Scott Tomashefsky
NORTHERN CALIFORNIA POWER AGENCY
180 CIRBY WAY
ROSEVILLE CA 95678-6420

A.06-04-012 HSY/jt2

(916) 781-4291
scott.tomashefsky@ncpa.com

(End of Appearances)